UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,413	06/21/2001	Yi-Min Wang	MS1-752US	8942

22801   7590   11/07/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/887,413	WANG ET AL.
	Examiner	Art Unit	
	Sam Rimell	2164	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-42* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Preliminary Note: Pursuant to the interview summary of 10/13/05, the office action of

7/13/05 is hereby vacated. The proposed amendment of 9/13/05 has not been approved for entry

and is thus not entered. This action examines the version of the claims presented by applicant on

4/20/05.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (U.S.

Patent 6,092,102).

Claim 1: Col. 6, lines 30-36 describes the general concept of generating an alert. Col. 6,

lines 45-46 specify that the alert is mapped to specific delivery modes. Table III in column 12

illustrates one of the mechanisms for accomplishing the mapping, namely a mapping table. Once

the message is mapped to the specified deliver mode, such as e-mail or pager, the message is sent

according to the specified mapping.

Claim 2: As seen in Table III, the message can be mapped according to the source. In

particular, line 1 of Table III specifies that messages from a laboratory are mapped to a specific

type of pager.

Claim 3: The alerts may be mapped according to their content. Col. 12, lines 27-29

specify that surgeons may be mapped as receiving messages relating to surgical techniques while

pharmacists may be mapped as receiving information for new drugs.

Claim 4: As seen in Table III, the delivery mode is in fact a delivery method. Table III illustrates five different delivery methods, as specified by the columns of Table III.

Claim 5: Table III specifies five different delivery methods, as seen from the columns of the table. One of the delivery methods is "2-way fail safe pager" in which the message is repeated until it is acknowledged. This would read on the steps of waiting for an acknowledgement in the case where an acknowledgement is expected.

Claim 6: Col. 14, lines 39-46 further describe the "fail safe pager" mode. In this instance a time is established to wait for an acknowledgement since an acknowledgement is expected in this mode.

Claim 7: Table III illustrates five different delivery modes corresponding to five different delivery methods, as seen from the columns of the table. Any one method corresponds to a first delivery method and any second method corresponds to a second delivery method.

Claim 8: The rows of Table III specify some of the possible categories of alerts, such as "Lab Test" or "New Article". Each of the categories can be assigned a delivery mode (defined by the columns of the table). Thus, table III defines a mapping between category of alert and delivery mode.

Claim 9: Table IV in columns 12 illustrates the assignment of priorities to the categories. For example, the category of "Lab Tests" is assigned an immediate deliver priority. The "Lab Test" category is also assigned a specific delivery mode, namely, the "Fail Safe" pager mode that is associated with the prioritized category.

Claim 10: Table V illustrates a mapping of each delivery mode to multiple delivery blocks. For example, the "two way fail safe pager" is a delivery mode that is mapped to a

primary delivery block (the column data "time latency—immediate") and a secondary delivery block (the column data "Fail Safe—Yes"). In this instance, when the primary delivery block requiring immediate alert delivery fails, the data in the secondary block will control the subsequent actions, in which case the message is repeatedly sent according to the fail safe mode (col. 14, lines 39-46).

Claim 11: The primary delivery block is the column data "Time Latency—Immediate". The secondary delivery data is the column data "Fail Safe—Yes". No acknowledgement is awaited under the primary block because none is required. An acknowledgement is awaited under the conditions of the secondary delivery block, because the fail safe mode requires an acknowledgement after a certain time period to stop the repeated message transmissions (col. 14, line 39-46).

Claim 12: See remarks for claim 10.

Claim 13: See remarks for claim 11.

Claim 14: See remarks for claim 11.

Claim 15: Col. 14, lines 39-46 describe the waiting of time periods for acknowledgement to the messages.

Claim 16: FIG. 1 illustrates an input/output module for inputting alert information (20) and outputting alerts to users (10, 12, 14). Table III illustrates a mapping module to map alerts to one of five delivery modes, as specified by the columns of FIG 3. FIG. 1 illustrates a communications layer interface (32) that is an interface the communications modules (i.e. e-mail systems and pagers) used by the end users (10, 12, 14).

Claim 17: See remarks for claim 2.

Claim 18: See remarks for claim 3.

Claim 19: See remarks for claim 4.

Claim 20: Table III specifies transmission by e-mail. Table V specifies immediate pager transmission, which reads as instant messaging. Table III pagers, which are short message service type messages.

Claim 21: For any one given delivery mode, such as "Two Way Pager with Fail Safe", a primary and secondary delivery block is provided. The primary block is the column data "Time Latency--Immediate". The second block is "Fail Safe—Yes". In the "Fail Safe—Yes" block of data, an acknowledgement to the message is expected (col. 14, lines 39-46).

Claim 22: Each of the primary and secondary delivery blocks specifies types of delivery actions. In the secondary delivery block, an acknowledgement is expected. (col. 14, lines 39-46).

Claim 23: Acknowledgements are expected after specific, predefined time periods (col. 14, line 44).

Claim 24: See remarks for claim 10.

Claim 25: Messages must be delivered according to both the primary and secondary delivery blocks specified in Table V.

Claim 26: See remarks for claim 10.

Claim 27: See remarks for claim 8.

Claim 28: FIG. 1 illustrates a processor (8), an I/O module (22), a memory (24) and an alert center (6). The alert center (6) includes a subscription layer (Table III and block 34). Messages are received at block (34) (the preferences block) after they are generated by the event

monitor (4), as seen in FIG. 1. The preferences are specified in table III and assign a delivery mode. Referring back to FIG. 1, the system further includes a communications layer (32).

Claim 29: Col. 14, lines 39-46 call for the system to monitor acknowledgements of alert deliveries in the fail safe mode.

Claim 30: As described at col. 14, lines 39-46, the system monitors for acknowledgement of delivery. If delivery is not made, a backup of method of repeating the message is provided.

Claim 31: Table V in its entirety is readable as a primary delivery block. It specifies five delivery actions, as specified in the columns, For any one given delivery mode, such as "two way pager" specified in the first line, all five delivery actions must be met.

Claim 32: In Table V, each delivery mode is a row of the table. The primary delivery block can be the column data "Time Latency--Immediate". The secondary delivery block can be the column data "Fail Safe –Yes". As specified in col. 14, lines 39-46, if immediate delivery of the message is not achieved, the system turns to the fail safe mode in the secondary block and begins repeating the messages until acknowledged.

Claim 33: See remarks for claim 11.

Claim 34: See remarks for claim 8. The mapping module is Table III.

Claim 35: See remarks for claim 1.

Claim 36: See remarks for claim 8.

Claim 37: Table III specifies five delivery modes, which corresponds to five delivery actions.

Claim 38: Table V specifies delivery modes in the rows and delivery actions in the columns. Any one given delivery mode has five delivery actions associated with it.

Claim 39: See remarks for claim 10.

Claims 40-41: The phrase "the primary delivery mode" lacks antecedent basis. So the claim is subject to various interpretations. The "primary delivery mode" can be considered one of the rows in Table V. Each row has five delivery actions. If a message has failed to be received by an end user, then all five of the actions are inherently failed.

Claim 42: Col. 14, lines 39-46 specifying the monitoring for an acknowledgement by the system.

Remarks

Applicant's amendments have overcome the previously applied grounds of rejection under 35 USC 112, second paragraph. No grounds of rejection under 35 USC 112, second paragraph presently exist.

The rejection of claims 1-42 under 35 USC 102(e) is hereby sustained. Applicant presents various arguments with respect to this rejection, which are addressed individually herewith.

Claim 1: Applicant argues that Wagner does not show or disclose receiving an alert or receiving the alert from one of multiple alert sources. This argument is not correct. Col. 6, lines 30-35 clearly outline the generation of an alert. The alerts are produced by an event monitor (4) which monitors "a database or data warehouse" (col. 6, line 27). Accordingly, multiple sources exist which trigger alerts (databases and data warehouses). Applicant argues that Wagner does not describe a system that receives an alert from one of multiple alert sources. This argument is moot as claim 1 is not addressed to a system. Nonetheless, it is still taught by Wagner. The multiple sources are the database or data warehouse being monitored by the event monitor (4).

Claim 10: Applicant argues that Wagner does not disclose the concept of generating a conditionally transmitting an alert. This argument is not correct. Under the condition in which the message is not acknowledged (the primary block is unsuccessful), the message gets repeatedly sent (col. 14, lines 39-46). This is clearly a conditional action predicated on the failure of the primary delivery block. Applicant also argues that requires a "second delivery action" that is not the same as the first delivery action. This argument is not correct. Claim 10 calls for a delivery action "specified in the second delivery block". This does not mean that this second delivery action has to be in a different form than the first delivery action. It only means that the secondary delivery action is whatever happens to be specified in the secondary delivery block. If the secondary delivery block specifies re-transmitting the same message by the same mechanisms, this would fully read on the requirements of claim 10.

Claim 16: Applicant argues that Wagner does not disclose an input/output module. By examiner's interpretation, the input output module is an enterprise (20), defined at col. 5, lines 54-60. Such an enterprise can receive information, create new information, and transmit information. The claims provides no specifics on the nature of the input/output module, so a wide variety of structures, systems, and even organizations read on this claim feature.

Claim 28: Applicant argues that Wagner does not disclose an alert received from an alert source. This is not correct. As seen in FIG. 1, the alerts are received and filtered through the preferences block (34). They are also ultimately received by the end user.

Claim 35: Applicant argues that Wagner does not disclose the receiving an alert. This is not correct. The alert once generated, is received by the preferences block (34 in FIG.1), the communications channels (30, 32) and the end user (10, 12 14) as all illustrated in FIG. 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at

telephone number (571) 272-4048.

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